



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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COMMISSIONER

October 28, 2009

Thomas K. Steel, Jr.
Vice President, Regulatory Counsel
RCN Telecom Services, Inc.
105 West First Street
South Boston, MA 02127

Dear Mr. Steel,

The Department of Telecommunications and Cable ("Department") is interested in clarifying its understanding of RCN's implementation or use of Voice over Internet Protocol (VoIP) telephone service in the Commonwealth, and the implications of this for RCN's regulatory status in Massachusetts. The Department believes that RCN is currently offering facilities-based or fixed VoIP telephone services to Massachusetts customers, and further, that RCN has a properly filed tariff and registration statement on file with the Department that governs the provision of that service.

As you may know, the Department of Telecommunications and Cable ("Department") has previously expressed its opinion that fixed VoIP telephone service provided on a common carrier basis is subject to the Department's regulatory authority under Chapter 159 of the Massachusetts General Laws, including compliance with the Department's consumer protections set forth in D.P.U. 18448.¹

¹ See, e.g., Letter from Michael A. Isenberg, Director, Competition Division, Massachusetts Department of Telecommunications and Cable, to Stacey L. Parker, Senior Director, Regulatory Affairs, Comcast (November 14, 2008); Letter from Michael A. Isenberg, Director, Competition Division, Massachusetts Department of Telecommunications and Cable, to John L. Conroy, Vice President, Regulatory Massachusetts, Verizon (September 22, 2009), available at <http://www.mass.gov/dtc> through the following links: Competition Division > Telecommunications Division > Telecom Statutes, Rules, and Notices > Correspondence with Fixed VoIP Providers.

If RCN's retail telephone tariff on file with the Department does not govern the provision of its fixed VoIP telephone service and RCN is providing fixed VoIP telephone service in Massachusetts on an untariffed basis, in violation of Chapter 159 of the Massachusetts General Laws and the Department's registration requirements, or is not complying with all consumer protections set forth in D.P.U. 18448, this letter will serve as notice of RCN's obligation to come into compliance with the above referenced requirements within 30 days from receipt of this letter.

If you have any questions, please feel free to contact me at 617-368-1101.

Sincerely,

Michael A. Isenberg
Director, Competition Division

cc: Geoffrey Why, Commissioner
Kajal Chattopadhyay, Deputy General Counsel
Joslyn Day, Director, Consumer Division